

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DOVER PROFESSIONAL FIRE OFFICERS  
ASSOCIATION

and

CITY OF DOVER, NEW HAMPSHIRE

CASE NO. F-0117

DECISION NO. 80013

APPEARANCES

Representing the Dover Professional Fire Officers Association:

Sandy Salava, Acting Deputy Chief

Representing the City of Dover, New Hampshire:

Scott F. Woodman, City Attorney  
Robert D. Steele, City Manager  
David F. Bibber, Fire Chief

BACKGROUND

On January 24, 1980, the City of Dover appealed the decision of the Board creating a bargaining unit of Officers of the Dover Fire Department.

Rehearing was granted and held on February 28, 1980 in the Board's office in Concord.

The City contended through its Counsel, Attorney Woodman that the original petition which was found to be in order by PELRB Decision No. 80003 dated January 17, 1980, was defective in that there were only nine (9) positions eligible and less than the minimum requirement under the statute.

Testimony at the original hearing indicated that because of certain organizational changes subsequent to the original filing caused the number to be reduced from ten (10) to nine (9). Evidence at the original hearing did not substantiate that fact.

The City at the rehearing further agreed that the initial petition submitted on November 29, 1978 was in fact legal and met the statutory requirements of RSA 273-A for the formation of a bargaining unit. The City offered further testimony by its Fire Chief, David Bibber, and City Manager, Robert Steele, relative to the organizational structure changes within the Department because of retirements and workmen compensation cases; all of which happened subsequent to the filing of the original petition.

The Fire Officers Association, by its representative, Acting Deputy Chief Salava, indicated that one of the original ten had been dismissed and another had resigned since the filing of the original petition and that did not constitute a reasonable question as to the legality of the original filing.

#### FINDINGS

1. This Board basically was not confronted with any new evidence in this case and can not involve itself with pending litigation subsequent to the filing of the original petition in November of '78.
2. Board further finds that the delay in action on the original petition from November 1978 until the hearing on September 6, 1979 was due to the request for delay for various reasons by the parties before the Board.
3. This Board is mindful of the intent of 273-A to permit employees in the public sector to organize for the purposes of representation and consequently considers this objective when considering all matters before it.
4. The original petition submitted in November, 1978 was found to meet all of the tests required for granting approval of the formation of a bargaining unit and the petition properly supported by the required number of individual signature cards.

#### DECISION AND ORDER

- A. The Board reaffirms its original decision No. 80003 dated January 17, 1980.
- B. The Board orders the election to be scheduled as soon as possible.



EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Dated: March 4, 1980

By unanimous vote of the Board. Edward J. Haseltine, Chairman presiding; present and voting, members Joseph B. Moriarty, David L. Mayhew and James C. Anderson. Also present, Executive Director, Evelyn C. LeBrun.